

SENATE BILL REPORT

2ESB 5704

As Reported By Senate Committee On:
Health & Long-Term Care, January 27, 2000

Title: An act relating to rules to implement the medical marijuana law.

Brief Description: Authorizing adoption of rules to implement medical marijuana law.

Sponsors: Senators Kohl-Welles and Thibaudeau.

Brief History:

Committee Activity: Health & Long-Term Care: 2/24/99, 3/3/99 [DP]; 1/13/00, 1/27/00 [DPS].

Failed Senate, 3/16/99, 31-17. Reconsidered: Passed Senate, 3/17/99, 33-12.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Staff: Jinnah Rose-McFadden (786-7444)

Background: Initiative 692, now codified as Chapter 69.51A RCW, was approved by Washington voters in November 1998. It authorizes, subject to certain terms and conditions, the limited use of marijuana for medical purposes. Physicians, primary caregivers, and qualifying patients are exempt from criminal sanctions relating to marijuana as long as they comply with the provisions of the new law.

It is suggested that certain provisions of this law may be subject to differing interpretations, and that administrative rules clarifying how the initiative is to be implemented would be beneficial. The initiative, however, failed to authorize any state agency to adopt such rules.

Summary of Substitute Bill: The Department of Health is granted authority to implement rules defining the term sixty day supply.–

Substitute Bill Compared to Original Bill: Substitute Senate Bill 5704 narrows the scope of rule making authority that the original bill would have granted to the Department of Health.

The original bill contained broad language allowing the Department of Health to promulgate rules "implementing the medical marijuana act." The substitute bill narrows the scope of rule making authority.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The implementation of the medical marijuana law is running smoothly. However, there is some confusion regarding the law's requirement that medical marijuana patients possess no more than a "sixty-day supply" of marijuana. Because the law fails to define the term "60-day supply," clarification of this term would be helpful.

Testimony Against: None.

Testified: PRO: Tom McBride, Washington Association of Prosecuting Attorneys; Tim Killian, WCMR - I-692; Larry Erickson, WASPC; G.M. Rodriguez, MQAC; Sue Shoblom, Department of Health; Linda Coughlin, Green Cross; Lillian Davis, Green Cross Coop Pt; Jerry Sheehan, ACLU-WA.